

623 expression 'to take on the shoulder', which is frequently heard in
 789 speech all over the country in the sense of 'to destroy' or 'to ruin',
 seems to derive from this obviously very ancient method of making
 oath. 'If I don't act justly, may I carry this weight in this world
 and the next', the elder swore solemnly as, irrespective of whether
 he was Catholic, Orthodox or Moslem, he embarked on his
 delimitation. In most cases he believed that if he were unfair the
 earth and stone would punish him literally as he said. 'Earth will
 rot us all one day; we can't put it lightly on our shoulders like
 a stone. It's a very serious thing; we stake our soul by touching
 it', were some of the expressions used to explain the general fear.
 Some men were so frightened of the dread symbols that they
 would not undertake to delimit a boundary, saying, 'It's a serious
 business to undertake such a thing; it brings you up against God's
 justice'. A few others, it must be confessed, were sceptical enough
 in consideration of a bribe to defy the consequences of perjury
 and to delimit unfairly.

423 Boundary stones then were set up by elders in the presence of
 527 witnesses as an abiding memorial to the ownership of the land
 they outlined. 'A fence may rot, a boundary does not', said the
 proverb. 'Let ever so many be killed; a field, or mountain,
 a vineyard cannot be seized by force; the boundary stones say who
 is the lawful owner', was another aphorism. In many places it was
 customary, generation after generation, to 'ride the marches' once
 a year so that the old could show the young where the stones were
 and so forge the next link in the endless chain of memory. Like
 its British counterpart, the custom gave occasion for a public
 holiday. Often performed, as in Nangë, at the spring festival of
 'Summer Day', all men and boys in a village went round every
 known boundary in it. They saw that the boundary stones were
 still in place and not sunk out of sight, noted their position, and
 cleared away thorns and other concealing overgrowth. Often, as in
 Nangë, they were led by gypsies banging joyously on drums.

423 It was thought a sin to move boundary stones, since they had
 685 been set up in such solemn circumstances by elders, the highest
 783 tribal authorities. But land-hunger was so prevalent that the sin
 was all too common. With the lapse of time, too, boundary stones
 might sink out of sight in the ground and the boundary line be
 obliterated. Disputes over boundaries were consequently endless.
 To prevent them there were various deterrents. Men of weight—

tribal, religious or personal—fostered the belief that moving boundary stones made things specially hard for the sinner in the next world. In this world the elders punished the misdeed with a heavy fine—of varying amount in Mirditë, 30 rams and an ox in Bicaj of Lumë, 3000 grosh and 6 rams in Kastrat, and a Turkish pound and boycott in Godolesh. Everywhere the sinner was publicly disgraced even if he was not always boycotted as in Godolesh, and he had always to compensate his victim financially. He had in fact stolen land, a valuable article of property as representing a man's livelihood. Consequently his crime was punishable as a bad form of theft. In Mirditë a man who had not only moved the boundary stones but also killed his neighbour was fined 100 rams and an ox and publicly executed for his double crime.

Yet in Mirditë one very primitive method of moving a tribal boundary was permissible. If a man had no forest or other source of timber and he had desperate need of this, he might take his axe and go to a forest in a neighbouring tribe—naturally he did not penetrate very far from his own tribe's boundary. The noise his axe made as he felled and lopped a tree soon brought up the foresters. If he had presence of mind and strength of arm enough to drive his axe up to the shaft in the fallen tree, and if the foresters could not pull it out, the boundary of his tribe was advanced to the tree. This was the manner in which Gjokë Buca of Kaçinar won forest from Kushnen. The method may have been peculiar to Mirditë.

In the Malësi e Madhe a man who had a spinney might refuse to permit his neighbour who had none to cut timber to fence in his property. He might want to cut the timber himself next year. It was his own business whether he sold it or not. The other was getting food from his field; let him go and buy or beg wood elsewhere for his fence. Presumably what went for an individual tribesman went for his village or tribe.

When disputes arose, efforts were made to settle them before they ended in bloodshed. Two types of dispute were distinguished, public—as arising between tribe and tribe, village and village, ward of a village and ward of a village—and private, as arising between individual and individual.

Settlement in private disputes might be effected by the parties themselves, by elders or by the government. The first method was

THE OATH

185

compurgators took the oath and half stood listening with their hands folded at the waist. As only the former touched the Gospel they were called 'oath-hands'. Possibly Father Gjeçov's information came from a different area of Dukagjin, or even since his time the details may have been modified. 695

The compurgators took the oath on the day officially appointed. The suspect took it a few minutes, a day or several days earlier, as best suited the general convenience, and generally in the presence of the compurgators only. The taking of the oath by the compurgators was a more public affair. The accuser's presence was in most places indispensable. If he would not, or could not, attend the ceremony, he had to give up trying to get his rights by an oath and had to find a private detective to take up the case. In Zerqan, apparently, the accuser did not need to be present, in theft cases at least. The number and quality of other witnesses varied in some places, such as Kurbin, with the gravity of the case, and in others with local custom. In Fulqet, Godolesh and Çermenikë it was obligatory for the village to turn out; otherwise the oath was not considered valid. In Mirditë the elders trying the case had to be present and so too in Theth, Dibër and Çermenikë; if, however, one of them found it inconvenient to attend, he could, in Dibër at least, send a deputy. In Lurë the Catholic priest had to be present when the suspect was Catholic, as had the Moslem sheikh of Ceren when he was a Moslem. In the Malësi e Madhe, Bytyç and Martanesh, an oath was valid if witnessed by the accuser and a few of his friends.

In grave cases a whole family might be asked to take the oath. In that event the master spoke in his usual capacity of household representative, for the rest of the family as well as himself, and it was forbidden to ask them to repeat his words. In Mirditë the women and children were not involved, but in Malësi e Madhe all the males of the family had to be present regardless of their age, and the master held an infant boy in his arms while he swore that he and they were innocent. In Martanesh, too, the accused had to bring all his sons, all his brothers and all his brothers' sons to the ceremony. The suspect had to swear to the whole family's ignorance as well as innocence of the crime. 672

In most districts this oath was taken at any of the usual places for oath-taking; but in Martanesh it was taken in the most solemn circumstances possible, at the grave of Balim Sulltan. It was a very 695 672 783

695 serious oath, entailing the extinction of the whole family if the
 672 oath-taker perjured himself. This was symbolized clearly in the
 783 Malësi e Madhe ceremony. The master's perjury, if any, and its penalties would, it was believed, run through his body and the infant's like an electric current and destroy both. The wording of the oath seems to have been suitably strong as well as comprehensive. The only available example comes from the Malësi e Madhe, and runs, 'By this holy oath of the Lord, if I did it, may He reward me. As for the male of yours who has been killed, neither I nor my kinsmen, male or female, have killed him with our hands or our guns or with a guest's or agent's hands or gun.'

695 The family oath was reserved for men who were expected to deny
 672 serious crime of which there was strong evidence that they were
 783 guilty. In the Malësi e Madhe, and apparently in Martanesh also, this was murder. So in these areas a family oath was tantamount to one with twenty-four compurgators. In Mirditë and Kurbin it was chiefly used in theft cases. If a sheep or goat in Kurbin was stolen, the thief had to return two sheep or goats to the owner, and pay a fine besides; if, however, he denied the theft, he must swear with his whole family that he was innocent. By contrast, a man who denied stealing an ox, a horse or a mule, was only ordered to take the oath with six compurgators. The theft of these animals was less serious than stealing a sheep or goat; for they only represented wealth, whereas the sheep and goats provided food for their owner.

[694] In Mirditë the accuser had the right to ask a family oath of any man whom he strongly suspected, and could also say that he must take it with a jury. In that event he had to specify the various families in the village who were to compose the jury. For the Malësi e Madhe there is no evidence, but in Martanesh a jury was seldom required in family oaths. Group oaths were used in cases where the suspect, told to take the oath with twenty-four compurgators, failed to find so many ready to swear to his innocence and volunteered to take the oath with all the males of his family in Balim Sulltan's mausoleum. If he did so, nothing more was required of him.

In Mirditë, as Father Gjeçov informs us, a truculent accuser might also ask the oath by the head of the suspect's son; in that case the accused could not refuse to take it, unfair and dangerous to the child though it was. If there were more than one boy in the

782 other offerings. If they irritated them, as an oath-taker would do by perjuring himself, they could only expect punishment.

[778] A most interesting example of the working of physical contact which is certainly of pagan origin was found in the Moslem district of Sulovë, south-west of Elbasan. There the most hardened oath-taker dare not forswear himself in a serious case, for he must then take the oath with a coin in his mouth, and perjury would bring [704] him certain death. The coin was clearly Charon's obol, as was the coin slipped on to the chest of Albanian dead in many widely separated areas.

In the exclusively Catholic oath 'by the stone' the solemnity of the oath came from the contact with a holy thing, and punishment for perjury was inflicted in any form that the sacred object chose. When, however, elders swore their equally solemn oath with a stone, log of wood or other weight on their shoulder, or when a man, stone on shoulder, claimed repayment of a dead man's debt, no principle of contact was involved. There was rather a quite crude belief that a perjuring elder would be punished by having to carry the weight for ever and ever in the next world.

775 God punished the perjurer both in this world and in the next. When the man died, his soul was lost, for being 'heavy-laden before the Lord' it had nowhere to go. If he was an elder who had taken an oath with a stone on his shoulder, he was doomed to carry the stone through all eternity. The first of these terrors was evidently inspired by the Church. The second is an older fear. The elder, when taking the oath, often expressed his willingness to carry the stone in the next world if he perjured himself, but an accused man left his future condition to be inferred, except for the cryptic phrase 'If I did it, may He reward me', which he sometimes inserted in his oath. When he was thinking only of himself he meant, according to the Catholics of Kurbin, 'If I lie may God kill me. If I tell the truth, may He forgive me my sins.' When he contrasted himself with his accuser he meant, 'If I did it may I suffer for it. If I didn't, and you've made me run the risk of taking this oath without due cause, may you suffer for it.' This sentence seems to have died out among the Moslems.

[761] Death was the commonest, and most dreaded, form of punishment in this world. In the most solemn oaths it was specified—
 ● 783 a son's in the oath by the child's head, the oath-taker's own in the oaths by his own head, with Charon's coin in his mouth, and in

such phrases as 'May Sheikh Ibrahim cut short my life' and 'May the bread kill me'. Sometimes the mechanism was crude and obvious, as in Jove's thunderbolts, the lightning that struck the perjurer dead, set his house on fire, or killed his livestock. Even if a perjurer escaped death, it was expected all over the country that he would fall ill or go from bad to worse till he came to ruin. Poverty and sickness must be his lot. His family might even die out, most dreadful of calamities. His son might be born with a physical defect, lame or blind or with a withered arm or too many fingers to his hands. A man of Tërnovë, near Martanesh, took a false oath, and as a result one of his eyes a year later was as large as his fist.

There were also social penalties to be faced. A man detected in a false oath became an outcast, despised and condemned by all his fellows, and was never again invited into any house in the tribe. In grosser cases in the Malësi e Madhe he might even be expelled by the tribe. In Mirditë his family was branded with shame for seven generations. All over the Catholic areas he was also fined. In Mirditë there were elaborate rules for these fines. If there had been a jury of twenty-four, the perjurer had to pay 100 rams and an ox to the Gjemarkaj family. If the jury had been smaller, the fine, which was presumably of the same amount, went to the tribe. In addition, the perjurer had to pay a fine to the Church and 500 grosh to each compurgator for leading him into perjury and outrage to the Church, and so exposing him to the usual punishments for perjury and sacrilege. For the Divine wrath fell on an unwitting no less than on a witting perjurer. It was no excuse for a compurgator in God's eyes that he had forsworn himself in reliance on the suspect's oath; he had had the responsibility of ascertaining the facts for himself. The compurgators and the perjurer had to go to church in order to obtain absolution for their sins. Just before leaving, the perjurer had to leave money on the altar to pay all the fines he had contracted to pay when he took the oath before the compurgators. In the Malësi e Madhe he had to give six purses to the Church as well as one to each compurgator. In Martanesh which is, of course, completely Moslem, the same compensation was payable to each compurgator in a perjury case, but in neighbouring Zërqa the practice was unknown. The fine was obviously a considerable deterrent to would-be perjurers, especially when the jury was large.

687 As Father Gjeçov remarks, perjury harmed the soul, imposed a fine and disgraced the man in the eyes of his fellows. All three consequences worked powerfully in their different ways to keep oath-takers on the path of truth. A thief, for instance, might get as far as the door of a church or mosque, but there his heart would fail him and he would exclaim, 'Forgive me, I did steal it'. Then he would proceed to make the usual reparation. Even innocent men dreaded the oath and took it with great reluctance. In poverty-stricken Theth many were so afraid of it that even when wrongfully accused, they preferred to pay whatever fine was due for the crime.

782 In Lurë people professed to fear nothing so much. 'You may rob
 [627] me of my life, but I will not break my oath', they used to say. As
 [423] for oaths taken to settle disputes, generations afterwards the descendants of the original disputants were afraid to break the oath of their ancestors. This fear kept boundaries that had been trodden out by an elder under an oath immovable for all time, and preserved water rights. In modern Lurë there is some maldistribution of irrigation water, but no attempt is made to remedy this by force of law. Many years ago, the people say, their ancestors took an oath about the irrigation rights of each family and they dare not violate this oath. One of the derisory stories told in sophisticated Tirana about the Highlanders relates that they were such poor stuff that one said, when brought to court, 'I have sworn a solemn oath not to tell, but press me a little and I will speak'.

There were occasions, however, on which perjury was thought permissible or even commendable. A man of Lumë, when asked to be compurgator in a murder case, would sometimes consider whether he might help to make peace between the parties if he forswore himself. If he decided that 'giving a living man for a dead one was no way of doing', he would swear a false oath. In the Malësi e Madhe, a village ward or a tribe had sometimes to swear not to enter a malefactor's house; when this punishment came to seem excessive it was thought advisable to break the oath.

695 In general, the modern mountaineers drew a distinction between
 687 their own old jury system and the law court that was superseding it. Reluctant though they remained to forswear themselves by their old system, they would do so joyfully in the modern court, especially if this saved a friend or relative or concealed their possession of a rifle; this weapon being their chief treasure, they would deny '500 times' on oath that they had it. Instead of public censure

*628 and would have a feud with the owner. If, after this warning, the
 682 neighbour saw the avenger trying to kill his enemy on his land, he
 shot at him, and if he killed him, he had no feud, for he had
 forbidden him to raise his rifle on his land.

*628 Religious influences also were brought to bear on the two
 793 enemies. The Bojdani sheikh of Bicaj in Lumë often intervened
 when there was shooting, both before and after the murder was
 committed; telling both parties they were in the wrong, he induced
 them to make peace. There is no record known to the author of an
 Orthodox priest acquiring influence enough to end a feud, and
 a Roman Catholic parish priest, though not ridiculed by his flock
 as his Orthodox brother too often was, had no power to curse people
 who kept up blood feuds, and without such power he could not
 compose a feud. Even a bishop was powerless in such cases.
 Jesuits, on the other hand, had the power and on occasion exercised
 it; it is commonly believed to this day that they are sent by the Pope
 and they are correspondingly feared. Every ten years or so,
 summoned by the archbishop or the priest in charge, at the
 instance of the village, they toured the Roman Catholic districts,
 their main object being to compose blood feuds. In 1932 three
 priests went to Shkrel for the best part of a week. Due warning of
 their advent had been given, and all devout Roman Catholics were
 bidden to attend church every day. Banners depicting the flames
 of hell and the crimes which earned them were hung round the
 church and the sermons were in the same strain. On the second
 day these placed emphasis on the privileged position of Roman
 Catholics; in return for this good Catholics should settle their
 blood feuds rather than risk losing the blessing of the church for
 themselves and their families during their lifetime and after it
 burial in consecrated ground. On the third day the priests
 inveighed against keeping up grudges; those who cherished their
 blood feuds risked the curse of God. This meant that nothing
 would go right for them. They would be shunned by everyone—an
 engaged girl could not marry with the blessing of the Church, but
 only by civil marriage—if indeed her betrothed did not prefer to
 give her up, although this meant losing her bride-price. On this
 occasion in Shkrel the vehemence of the priests' exhortations and
 the fear of the consequences of the curse resulted in the termination
 of several outstanding feuds.

Some Tribal Origins, Laws, and Customs of the Balkans

8. THE OATH

A The oath played a most important part in the whole tribal area of
M Albania and Montenegro. The tribes lived, till recent times, in a
626 constant state of blood-feud both with each other and within the tribes,
728 and this was regulated only by means of sworn intervals of peace. In
628 Montenegro you were in "kry" (blood) or under oath ("pod vjere").
In Albania, in "gjak" (blood) or under "besa." The tribesman as a
rule kept the oath when formally sworn with rigid fidelity. A man
forsworn was universally condemned. How by means of such oaths
blood-feuds were settled we have told in another chapter.

A Manner of Taking Oath.—Among the Albanian tribes there still
626 exists the very antique custom of swearing the oath upon a stone.
783 The priest and the hodja have succeeded in adding respectively the
cross and Allah to his oath, but to the priest's vexation the mountain
man persistently says, as he throws down the stone in the circle of
headmen, "Per guri i per kruch" (by the stone and the cross), and
puts the stone first. When a Catholic tribesman had confessed and
received absolution he liked to come to church next time carrying a
stone in proportion to the size of the sins confessed. What pact he had
sworn on the stone I could not understand. The stone in this case
was said to represent penitence. Some priests forbade the practice;
others said it was unnecessary, but allowed it because this visible
sign of contrition seemed really to help them. "But," said Padre Kiri
of Thethi, laughing, "when a man came with a rock on his shoulder
I told him he might leave it at the door."

A reason suggested for this custom is that the penitent transferred
his sin to the stone and so got rid of it.

In trials before the elders a man accused of crime would swear
his innocence upon a stone and fling it down before his judges.

M Montenegro.—I did not find the custom in Montenegro, but it was
626 clearly common till recently. Prince Danilo, in his Code of 1855,
783 decrees (Law 65): "If after this day a Montenegrin or Brdjanin
present himself before justice with a stone tied to his neck, whether
innocent or guilty he shall be flogged."

M The custom, it appears, has been flogged out. But in spite of Danilo's
754 floggings I still found the custom of throwing a stone with a curse
on to the reputed grave of a bad man. On the western side of Monte-
negro are several stone piles, and many such are to be found in the
Herzegovina, some of which have been excavated and proved to be
prehistoric tumuli. Krsto firmly believed all such heaps to be "proklete
gomile" (accursed heaps) over the body of a desperate criminal who

Magic, Medicine, Soothsaying

had been stoned to death "many, many years ago." He never failed to add at least half a dozen stones and a multitude of curses to any heap we passed by the way.

Vuk Vrchevitch, in his book on old customs at minor religious festivals, collected in the Bocche di Cattaro, Montenegro, and the Herzegovina, mentions in a footnote that it was customary in the middle of the nineteenth century in Montenegro, when "a man made a statement and at once recognized he had made a mistake, to strike it on a stone (u kamen udariti). He scratched a stone with the nails of his right hand to transfer the error to the stone." As the author thought it necessary to explain this custom to Serbian readers, it is clear that the custom was a local one.

It is noteworthy that I can find no reference to swearing upon stones in old Serbian ballads, though swearing enough takes place in them.

That it is a custom of extreme antiquity there can be no doubt.

Lavrov (v. Jirecek) states that the Macedonian Slavs of old worshipped trees and stones. But tree- and pillar-worship is common to very many lands and existed in the Balkans long before the advent of the Slavs. Sir Arthur Evans describes the cult at Mycenæ and Dodona (*Journal of Hellenic Studies*, xxi). The oath on the stone may, therefore, belong to all and any of the Balkan people.

The Northern Slavs appear to have had some such oath. Helmoldus, in his *Chronica Slavorum* (c. 1160), tells that they "showed great reverence to their holy places, which were frequently sacred groves or springs, and would not lightly take an oath there, lest they should be overtaken by the wrath of the avenging god." When the church at Oldenburg was built and dedicated to St. John the Baptist in 1066 by the Saxons, "the Count bade the Slavs gather in the church to hear the Word of God . . . and the Slavs were restrained in future from swearing by trees, fountains, and stones; they were to bring those accused of crimes to the priest to be examined by the iron or the ploughshare" (c. 83). The steps taken by various races to "civilize" others are very interesting. Here the Saxons evidently consider the practice of ordeal by hot iron a more Christian method than that of swearing innocence upon an object believed to be sacred by the swearer.

Helmoldus's statement shows that this ordeal was not Slavonic. We must, therefore, suppose that the hot-iron ordeal, recommended in Stefan Dushan's Code (1349) as a means of testing serfs accused of crime, was borrowed from a neighbour land. Be this as it may, the ordeal was in use in South Slav districts till well into the nineteenth century.

Swearing on a stone has survived only in Albania as a means of self-justification; and it is not impossible that it has existed from

Some Tribal Origins, Laws, and Customs of the Balkans

A
783 pre-Slavonic times. One other trace maybe of holy trees and stones
627 I saw in 1904 when riding through Albania, and never again.

A
[775] My horse-boy picked up stones and thrust them in the forks of trees
769] when we passed through a wood. To the horror of my companion,
who was a colporteur of the British and Foreign Bible Society from
South Albania, the boy declared he was doing so for the spirits of the
dead to have something to tread on as they passed. Unfortunately the
colporteur blamed him, and he would say no more about it. Hahn, in
his Albanian studies, mentions this custom.

A
778 On this journey we passed two small woods where, I was told, no
trees were ever cut because "a long while ago a church stood there."
No one knew when. The "church" had probably been imagined, to
account for the sanctity of the wood.

S
627 In Serbian tales and ballads the oaths are usually sworn by "God
538 and St. John." Does St. John the Baptist represent a former oath on
782 a holy spring? In Montenegro, SS. Petar Cetinski and Vasili of Ostrog
were daily asked to bear witness to many dubious statements. No
Montenegrin peasant can make a statement, whether true or false,
without calling on God and one or other of his saints; and, alas! the
old idea of the sanctity of an oath had evaporated and the statement
was too often a lie.

Whereas I found the word of the Albanian tribesman reliable;
but civilization may weaken his word, too.

M
782 Old King Nikola of Montenegro used to call Heaven to witness
many remarkable statements. Once, when the Diplomatic Circle had
been summoned to hear an unusually remarkable one, it is said that
an astonished silence ensued, till one Minister Plenipotentiary, recover-
ing his presence of mind, politely said: "Your Royal Highness is
famed through Europe as . . . a poet."